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IN THE UNITED STATES BANKRUPTCY COURT, DISTRICT OF PUERTO RICO

IN RE: EILEEN YAMINA SIERRA PEREZ

MANUEL SALAS RIVERA

Bankruptcy Number:13-03966-MCF

Chapter 13

STANDING CHAPTER 13 TRUSTEE §341 MEETING MINUTES AND REPORT ON CONFIRMATION

Petition Filing Date: **05/16/2013**

First Meeting Date: **06/19/2013 at 9:00AM**

Days From Petition Date: **201**

341 Meeting Date: **12/03/2013 at 11:00AM**

910 Days Before Petition: **11/18/2010**

Confirmation Hearing Date: **07/12/2013 at 1:30PM**

Chapter 13 Plan Date: **06/18/2013** ☐ Amended

Plan Base:**\$18,000.00** Plan Docket # **9**

This is Debtor(s) 1 Bankruptcy petition.

This is the 3 scheduled meeting.

Payment(s) ☒ Received or ☐ Evidence shown at meeting:

Total Paid In: **\$1,800.00**

Check/MO# _____

Date: _____ Amount: \$ _____

*APPEARANCES: ☐ Telephone ☐ Video Conference

Debtor: ☒ Present ☐ Absent ☐ ID & Soc. OK

Joint Debtor: ☒ Present ☐ Absent ☐ ID & Soc. OK

☐ Examined ☒ Not Examined under Oath

☐ Examined ☒ Not Examined under Oath

Attorney for Debtor(s): ☐ Not Present ☒ Present

Name of Attorney Present (Other than Attorney of Record): _____

☐ Pro-se

☒ Creditor(s) Present ☐ None

BPPR- Veray, Esq.

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **JUAN O CALDERON LITHGOW***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$800.00** Outstanding (Through the Plan): **\$2,200.00**

*TRUSTEE'S REPORT ON CONFIRMATION & STATUS OF §341 MEETING

Debtor(s) Income is (are) ☐ Under ☒ Above Median Income

Liquidation Value: \$ TBD

Commitment Period is ☐ 36 months ☒ 60 months §1325(b)(1)(B)

Projected Disp. Inc.: \$ 49,736.40

The Trustee: ☐ NOT OBJECTS ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: 41.53 %

§341 Meeting ☐ CONTINUED ☐ NOT HELD ☐ CLOSED ☒ HELD OPEN FOR 14 DAYS

§341 Meeting Rescheduled for: _____

Comments:

*TRUSTEE'S OBJECTIONS TO CONFIRMATION: NOTICE: LBR 3015-2(c)(6) The debtor must within seven (7) days after service of the objection file either: (A) an amended plan that addresses each objection; or (B) a reply setting forth the facts and legal arguments that give rise to the reply in sufficient detail to allow each objector, if possible, to reconsider and withdraw its objection.

[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.

The Plan fails to provide for the payment of arrears to Toyota Credit's claim \$598.93.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with Above Median Income Debtor(s) Projected Disposable Income. [1325(b)(4)]

[1325(a)(9)] Tax Requirements – Debtor(s) fails to comply with Tax Return filing requirement of [1308].

Debtor must submit evidence of filing of the 1040-PR for the years 2009-20012.

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]

1) Debtor needs to amend the Schedule I to eliminate income from rent or property. Debtor's 19 years old daughter is living the property located at Dorado del Mar that pays \$1,600.00 since she is living with her boyfriend. As of today, they have reach any agreement as to the payment of this mortgage.
2) Per evidence of income, debtor's average income is \$4,249.00, therefore, Schedule I and the Mean Test must be amended accordingly. The expenses listed in Debtor's financial statement includes expenses listed in Schedule J. This amendments generate a net income of \$1,840.00. Also, Schedule J does not show the payment to BPPR's secured loan since the corporation is paying such debts. However, the Plan fails to indicate that this loan will be paid by a third party. A Stipulation between debtors and BPPR as to the payment of this loan.

*OTHER COMMENTS / OBJECTIONS

Debtor's 19 years old daughter is living the property located at Dorado del Mar that pays \$1,600.00 since she is living with her boyfriend.

The income from child support was not listed in Schedule I since his daughter is managing said funds. Trustee objects the amount of attorney's fees to be paid to through the Plan.

Debtors complied with Public Law 195.

Debtor must submit evidence of value of residence located at Dorado del Mar.

Debtors has failed to list bank account with Banco Popularde PR., dishwasher, to separate dryer and washer.

Trustee will review Financial Statement filed with the Department of State.

Trustee will review exemption claimed over computer, mobile, dvd player, shound system and dinterest in corporation.

/s/ Jose R. Carrion, Esq.

Meeting Date: Dec 03, 2013

Trustee

/s/ Mayra Arguelles, Esq.

Presiding Officer